

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States District Court
Southern District of Texas
FILED

APR 23 2018

David J. Bradley, Clerk

United States of America

v.

Rito MARTINEZ Jr.
COB: United States
YOB: 1986

Case No. M-18-0837-M

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 04/21/2018 in the county of Hidalgo in the Southern District of
Texas, the defendant violated 21 U. S. C. § 846 & 841 (a)(1)
, an offense described as follows:

Conspiracy to posses with the intent to distribute a controlled substance.

Knowingly and intentionally possess with the intent to distribute approximately 135.90 kilograms of marijuana, a
Schedule I controlled substance.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Fatima Alkhatib

Complainant's signature

Fatima B. Alkhatib, HSI Special Agent

Printed name and title

approved by
[Signature]
Sworn to before me and signed in my presence.

Date:

April 23, 2018 8:28pm

[Signature]

Judge's signature

City and state:

McAllen, Texas

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

Attachment A

On April 21, 2018, U.S. Customs and Border Protection (CBP), Office of Border Patrol (OBP) Agents observed a raft parked at the base of the Rio Grande River. Four individuals were observed leaving the area of the raft, carrying bundles consistent with those used to smuggle marijuana. The individuals walked towards a caliche road approximately 300 yards south of the river levee. As the individuals walked, a dark colored, four door sedan was observed leaving a nearby residence, driving towards the individuals. The individuals were seen loading the bundles into the trunk and backseat area of the sedan. When the individuals finished loading the bundles into the vehicle, the vehicle turned around, went up the caliche road and then north onto Valley View Road. Border Patrol Agents (BPAs), driving a marked Border Patrol (BP) unit got behind the vehicle, activated the unit's lights and sirens and attempted to conduct a traffic stop. The driver did not respond to BPAs activated emergency equipment and continued driving north on Valley View Road toward Military Highway. The vehicle turned east onto Military Highway and was driving along the south shoulder of Military Highway. The vehicle turned south and began driving towards the river levee. The vehicle began traveling on the river levee back towards the direction in which the bundles were loaded. The vehicle arrived at a locked, wrought-iron gate and came to a stop. The driver and lone occupant of the vehicle got out of the vehicle and began running in a southeast direction into the brush. BPAs apprehended the subject later identified as, Rito MARTINEZ Jr. (DOB: [REDACTED] /1986), and placed him under arrest. BPAs read MARTINEZ his Miranda Rights and transported him to the Weslaco, Texas Border Patrol Station. Four bundles wrapped in sugar sacks and tied with twine were recovered from MARTINEZ's vehicle. While MARTINEZ and the bundles were being transported, MARTINEZ stated that the roads had changed and MARTINEZ should've went down Valley View Road so that MARTINEZ wouldn't have been caught. Once at the Weslaco BP Station, BPAs cut open the four bundles and discovered a total of thirteen brown, cellophane wrapped bricks weighing a total of 135.90 kilograms of a green leafy substance. The green leafy substance tested positive for marijuana.

Homeland Security Investigations (HSI) Special Agents (SAs) Fatima Alkhatib and Drug Enforcement Agency (DEA) Task Force Officer (TFO) Adam Cavera read MARTINEZ his Miranda Rights in the English language. MARTINEZ stated, "he is not a snitch and he didn't have anything to say other than he the stick and got caught up and that no one other than himself is responsible."